

Fee Processing (For Petitions Use Only)

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JUN. 24. 2011 11:56AM

BROWDY AND NEIMARK

NO. 3826 P. 2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------------------------|---|-------------------------|
| In re Application of: |) | Art Unit: |
| RADOMSKY |) | Conf. No. 4286 |
| Patent No. 6,600,899 |) | Washington, D.C. |
| Issued: July 29, 2003 |) | June 9, 2011. |
| For: METHOD AND SYSTEM FOR ... |) | Atty. Docket: RADOMSKY2 |

JUL 11 2011
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REQUEST FOR SMALL ENTITY STATUS ERROR TO BE EXCUSED

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In the present application, status as a small entity was established in good faith and fees as a small entity were paid in good faith. It has recently been discovered that, between the dates of payment of the first and second maintenance fees in this case, in approximately May 2008, patentee became a large entity. Accordingly, the second maintenance fee was paid as a small entity in error. Applicant hereby withdraws its claim to small entity status for this patent. Pursuant to 37 C.F.R. §1.28(c), it is requested that this error be excused as the present communication is in compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of 37 C.F.R. §1.28.

The following itemization of the total deficiency payment is provided:

| Type of Fee | Current Fee for non-small entity | Small Entity actually paid | Date of request | Deficiency owed amount |
|---------------------------------|----------------------------------|----------------------------|-----------------|------------------------|
| 2 ND Maintenance Fee | \$2,480.00 | \$1,240.00 | 10/11/2010 | \$1,240.00 |
| | | | Total owed: | <u>\$1,240.00</u> |

In re USP 6,600,899

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On December 21, 2010, a petition was filed stating that the second maintenance fee in this case was paid as a small entity in error and proffering the fee deficiency. The bottom of that document indicates that the USPTO charged \$1,240 to petitioner's credit card on December 21, 2010. However, on January 31, 2011, this petition was dismissed as it was not properly signed by the purported assignee, as it did not meet all of the regulations with respect thereto. The Patent Bibliographic Data page of the PrivatePAIR website shows that the entity for this case is still small. If the deficiency of \$1,240 has already been paid for the second maintenance fee in this case, then please disregard the attached form PTO-2038 and consider the previous payment as satisfying the requirement for payment of the fee deficiency. On the assumption that the deficiency has not been previously charged (or if previously charged, it was refunded), attached hereto is a form PTO-2038 authorizing the additional charges of \$1,240.00, which satisfies the deficiency payment requirement as per the above itemization. If necessary, refund of the fee of \$1,240 previously paid with the denied petition of December 21, 2010, is respectfully requested for the reasons discussed above.

As all of the requirements of 37 C.F.R. §1.28(c) have been complied with, it is requested that this deficiency payment be accepted and that the errors in small entity status previously made be excused.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

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